

# INFORMATION SHEET

## DEFAULT DECISIONS

NTCAT has the power to make a default decision and orders if:

- a Form 1 Initiating Application involves a claim for a debt or other fixed sum owing;
- the Respondent does not file a Form 2 Response to the Form 1 Initiating Application after the Applicant proves it was served in accordance with the NTCAT Service Guidelines, and;
- the Applicant files a Form 7 Unattested Declaration (Default Decision) proving service of the Form 1 Initiating Application, and confirming that the sum claimed remains owing to them.

### Process for Default Decisions

In cases where the Respondent does not provide a Form 2 Response by the due date, the matter is considered uncontested and may be dealt with by a Default Decision. A matter will not be listed for Default Decision until all documents outlining how the documents were served on the Respondent have been filed with NTCAT.

### Listing the Matter for Default Decision

NTCAT will issue standard orders advising when the matter is going to be heard and requiring the Applicant to file a **Form 7 Unattested Declaration** (Default Decision). This is required 7 days before the hearing, but cannot be supplied earlier than that as the information must be current.

### Do I need to serve the other party?

No, you do not need to notify the other party that the matter is being listed for Default Decision.

### Do I need to attend the hearing?

No, the matter will then be dealt with by an NTCAT Tribunal Member without the requirement for you to attend a hearing, however the hearing will not go ahead if you have not filed the **Form 7 Unattested Declaration** (Default Decision)

### What will happen at the hearing?

The Tribunal Member will either make a default decision and orders or will make orders identifying any further steps required to proceed the matter.

### What happens if I get a decision in my favour?

If you receive a decision in your favour, you will need to serve the final orders on the other party, if the other party does not comply with the orders, you will need to take enforcement action. NTCAT does not have jurisdiction to enforce orders, so you will need to refer to the information sheet on enforcement to take further steps.